FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPLICATION NO. 976 OF 2005.
IN
CRIMINAL APPEAL NO. 144 OF 2005 .

Shivaji Krishna Chavan Patil & ors. ..Applicants.
vs.
The State of Maharashtra, ..Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

---

Shri Shekhar A.Ingawale for the applicant.
Shri S.R. Shinde, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 11-3-2005.

P.C.:

1. Heard learned Counsel appearing for the applicants and the learned A.P.P for the State.

2. The applicants are the original accused Nos.1 to 4 who were convicted by the Additional Sessions Judge, Sangli. Accused No.1 was convicted for offence punishable under section 304-II and sentenced to suffer R.I. for 5 years. Accused Nos. 2 to 4 were convicted for having committed an offence punishable under section 323 of the I.P.C. and sentenced to suffer R.I. for 1 year. Learned Counsel appearing on behalf of the applicants brought to my notice the

statement of Dr. Vyankatrao Hulwan (P.W.6) and also 3 certificates were issued by the said Medical Officer.It is submitted that the medical officer had initially given his opinion regarding cause of death as due to myocordial infarction. Subsequently, two further certificates were issued by him. In the second certificate he has stated that the deceased died as a result of second heart attack after assault had taken place and in the third certificate he has mentioned that the deceased may have died as a result of mental tension caused by the assault which could have caused heart failure.

3. In view of the certificates issued by the Doctor, prima facie, it appears that the deceased died due to heart failure which was caused because of myocordial infraction. Prima facie case is made out for grant of bail.

4. The applicants, in my view, are entitled to be enlarged on bail. Prima facie has been made out for grant of bail. Applicants be released on bail in the sum of Rs. 5,000/- each with one or two sureties in the like amount. They shall,

however, report to Jat Police Station once in three months.